

**BEFORE THE
U.S. DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

Application of

Breeze Aviation Group, Inc.

for a certificate of public convenience and
necessity under 49 U.S.C. 41102 to engage
in interstate scheduled air transportation

Docket: DOT-OST-2020-0019

MOTION FOR EXTENSION OF TIME AND TO DEEM TIMELY FILED

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Date: June 28, 2021

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Pursuant to sections 302.9 and 302.11 of the Department’s Rules of Practice, Association of Flight Attendants—CWA (“AFA-CWA”), the Transportation and Trades Department, AFL-CIO, and the Transport Workers Union of America, AFL-CIO (“TWU”) (collectively “the Labor Parties”) hereby move for an extension of time and to deem timely filed their Motion for Leave to File a Reply to the Answer of Breeze Aviation Group, Inc. (“Breeze”) in support of the Labor Parties’ Petition for Review of Staff Action. In support of this Motion, the Labor Parties submit the following:

Breeze filed its Answer to the Labor Parties Petition for Review of Staff Action on June 15, 2021. Pursuant to 14 C.F.R. § 385.33, there may be an answer to a petition for review of staff action, but the regulation does not specifically provide for further responsive documents. However, pursuant to 14 C.F.R. § 302.6(c), the Department will accept a further responsive document, such as a “reply to an answer,” where “...leave has been

obtained from the DOT decisionmaker...on written motion and for good cause shown.”¹ Said written motion “...shall be filed within seven (7) days after service of any document, order, or ruling to which the proposed filing is responsive...”² Nevertheless, upon motion and the showing of good cause for the failure to act within the specified timeframe, the DOT decisionmaker may “...permit the act to be done after the expiration of the specified time period.”³

The Labor Parties have prepared the requisite Motion for Leave, accompanied by the unauthorized responsive document, so as to file a Reply to Breeze’s Answer in support of their Petition, which the Labor Parties submit is necessary to provide clarification and to comprehensively address an important issue of law. However, the Labor Parties are three (3) different parties and were unable to file said Motion within the specified time period based the need to coordinate with each other and the various counsel involved and generate a single product that was acceptable to the Labor Parties as a whole. The Department has previously granted a motion in regard to timeliness where there is a need to address all relevant factual and legal issues.⁴

¹ *Id.*

² *Id.* at § 302.6(d).

³ 14 C.F.R. § 302.9(a)(2).

⁴ IN THE MATTER OF THE CITIZENSHIP OF DHL AIRWAYS, INC. UNDER 49 U.S.C. §40102(A)(15) (Oct. 22, 2003) (DOT Order No. 2003-10-25).

For the foregoing reason, the Labor Parties respectfully request that the Department grant this Motion and deem the Labor Parties' Motion for Leave to file a Reply to Breeze's Answer timely filed.

Dated: June 28, 2021

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of June, 2021, the foregoing Motion for Extension of time was submitted via email on the following:

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